

REMARKS

Applicants thank the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document submitted October 31, 2003.

Applicants thank the Examiner for indicating that the Formal Drawings filed October 31, 2003 are accepted.

Applicants thank the Examiner for acknowledging the election without traverse of claims 1-11 and 26-47 in the *Response to Election of Species* filed March 10, 2005.

Status of the Application

Claims 1-11 and 26-47 are all the claims pending in the Application, as withdrawn claims 12-25 and 48-60 are hereby cancelled without prejudice or disclaimer. Claims 1-11 and 26-43 stand rejected.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 46 and 47 are allowed.

Applicants thank the Examiner for indicating that claims 44 and 45 would be allowed if rewritten in independent form. However, Applicants respectfully request that the Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.

Claim Objections

The Examiner has objected to claims 10 and 11 due to typographical errors. The typographical errors noted by the Examiner have been corrected. Thus, withdrawal of the objection is respectfully requested.

Anticipation Rejection

The Examiner has rejected claims 1-11 and 26-43 under 35 U.S.C. § 102(b) as being anticipated by *Automation of NIST Frequency Calibrations at Remote Sites*, Micheal A. Lombardi, National Institute of Technology, 1999 (hereinafter “*Lombardi*”). This rejection is respectfully traversed.

Regarding independent claims 1 and 26, the Examiner alleges that pg. 618, 2nd col., pars. 2-4 of *Lombardi* discloses the recited: (1) “converting means for converting a physical standard used as a measuring reference into a transmission signal” (claim 1); and (2) “converting a physical standard used as a measuring reference into a transmission signal” (claim 26).

Applicants respectfully disagree, and submit that *Lombardi* actually fails to teach or suggest any “physical standard,” such as is recited in these claims, nor any “conversion” of such a “physical standard” into a transmission signal. Rather, *Lombardi* is directed to the provision of a reference frequency (pg. 618, 2nd sentence of section 1) that is remotely transmitted via radio for comparison to a device (see pg. 618, 2nd col. Pars. 2-4). Thus, Applicants respectfully submit that, in *Lombardi*, it is the transmitted frequency that is the standard, not a physical standard that is somehow converted into this frequency. No portion of *Lombardi* supports such a reading.

Thus, Applicants respectfully submit that independent claims 1 and 26 are patentable over the applied reference. Further, Applicants respectfully submit that rejected dependent claims 2-11 and 27-43 are allowable at least by virtue of their dependency and are separately patentable over the applied references.

For example, Applicants respectfully submit that *Lombardi* fails to teach or suggest: (1) dependent claim 4’s recitation that “the first and second communication mediums are the same;”

or (2) dependent claim 29's recitation that "the steps of transmitting the transmission signal, transmitting results of the calibration, and transmitting a certification certificate are all performed within a single type of communication medium." Rather, *Lombardi* discloses a radio transmission of a frequency standard to a customer, and the corresponding transmission of results via modem or internet to the standard agency. Thus, the transmission mediums are not the same (compare first line of 2nd par, pg. 618 to first line of section 4 on pg. 620 and last line of pg. 620).

Further, Applicants respectfully submit that *Lombardi* fails to teach or suggest dependent claim 11's and 34's recitation of the "mutually monitoring [of] identical standards retained by a plurality of authorities linked to said remote calibrating network." Rather, *Lombardi* discloses the monitoring of received data only by a national institute (see last line of 2nd par. on page 618).

Further, Applicants respectfully submit that *Lombardi* fails to teach or suggest dependent claim 28's recitation of "transmitting a certification certificate from the standard authority to the remote location." *Lombardi* is silent regarding the transmission of any such certification certificate (see first line of section 4, pg. 620 - monthly reports, and last line of section 4, pg. 620 - reports must be signed).

Further, Applicants respectfully submit that *Lombardi* fails to teach or suggest dependent claim 43's recitation that "in the step of restoring the measuring reference, a physical quantity directly linked to the frequency is restored by physical law at the remote location." *Lombardi* is silent regarding any restoration of any reference. Rather, *Lombardi* simply compares the transmitted frequency to the desired device (see first line of section 3, pg. 619).

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

Amendment Under 37 C.F.R. §1.111
US Appln No. 10/697,321

Docket No. Q77859

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-11 and 26-47 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-11 and 26-47.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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Date: August 5, 2005